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s/ Betty J. Berger

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ian B. Bigham et al. Group Art Unit Unknown
Serial No.: 10/538,814 Examiner: Unknown
International Application No. PCT/IB2003/006496
Filed: June 13, 2005 Attorney Docket No.: 1-24194
For: DEVICE FOR THE PRODUCTION OF COMB HONEY

DECLARATION UNDER 37 CFR 1.47(a) AND 37 CFR 1.47(b)
REGARDING FACTS PERTINENT TO REFUSAL
OF A JOINT INVENTOR TO SIGN A SUBSTITUTE DECLARATION

Mail Stop Amendment
Commissioner for Patents, P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I am Andreas W. Sperlich, a Canadian citizen residing at 1709 Front road,
RR#2, St. Williams, Ontario NOE 1PO, Canada. I am named as a coinventor in the
above-identified U.S. patent application. At the time of the filing of the above-
identified U.S. utility patent application, the other coinventor, Ian B. Bigham, also a
Canadian citizen, and I both signed a Declaration (hereinafter, the executed
Declaration), a copy of which is attached. Ian Bigham signed on June 9, 2005 and I
signed on June 10, 2005. This executed Declaration was filed with the above-
identified application at the time of filing. I note that at the top of the executed
Declaration the attorney docket number, 1-24194, corresponds with the docket
number on all other paper work that we had received from our attorneys,

MacMILLAN, SOBANSKI & TODD, LLC of Toledo, Ohio. It is clear that at the time we executed the executed Declaration we intended to declare ourselves as the inventors of the above-identified patent application, and not to any other patent application.

Subsequent to the execution of the Declaration, both Ian Bigham and I executed an Assignment of our interests to our company, Bee-O-Sphere Technologies. A copy of the Assignment is also attached.

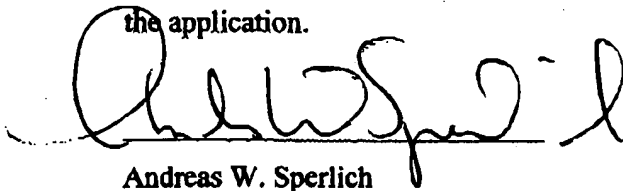
The executed Declaration is possibly defective since it does not include identification as to the Title of the application, although the specification of the application accompanied the original Declaration at the time we signed the Declaration. Because of this defect, it has been my intention to file a new, corrected Declaration executed by both inventors. In the meantime, Ian Bigham has become disassociated with Bee-O-Sphere Technologies, and he now refuses cooperate with Bee-O-Sphere Technologies, and specifically refuses to sign the corrected Declaration. I have attempted personally to get Mr. Bigham to sign the substitute Declaration, but he has not answered his door, has not responded to any telephone messages and has not responded to any email inquiries. I have gone to his house and knocked on his door repeatedly within the past two months, including instances when his car was in his driveway, which should be an indication that he was in the house, and still he has not responded. In these attempts to get Mr. Bigham to sign the substitute Declaration I have had a copy of the specification and drawings for him to review should he suddenly agree to sign the Declaration. I have attempted to discuss the matter with his lawyer, who has also not returned any calls. I am also aware that my attorney, Ted C. Gillespie of the law firm of MacMillan, Sobanski & Todd, LLC has made several attempts, including leaving voice messages and sending e-mail messages, to get Mr. Bigham to sign the substitute Declaration, but Mr. Bigham has not responded. I understand that on June 5, 2006, Mr. Gillespie sent the Declaration, specification and drawings to Mr. Bigham via DHL courier, and that although the request was delivered to Mr. Bigham, no response was made. A copy of that letter is also attached. I note that the letter dated June 5th states that the letter was sent "Via

Federal Express", but that Mr. Gillespie told me that the letter was actually sent via DHL courier.

In view of Ian Bigham's lack of action in responding to these inquiries and requests to sign the corrected Declaration, and in view of the other facts related above, it is appropriate for the attached corrected Declaration, executed by me but not executed by Ian Bigham, to be accepted by the U.S. Patent and Trademark Office as a substitute Declaration under 37 CFR 1.47(a).

In my current position, I am president of Bee-O-Sphere Technologies. As can be seen in the executed Assignment, Ian Bigham has assigned his rights in the above-identified patent application to Bee-O-Sphere Technologies. In executing the Assignment Ian Bigham agreed to execute any and all documents required for the prosecution of the above-identified application. In view of Ian Bigham's refusal/non-action to sign the corrected Declaration, and in view of the facts related above regarding attempts to present the substitute Declaration to Mr. Bigham for signature, it is appropriate for the attached corrected Declaration, executed by me and not executed by Ian Bigham, to be accepted by the U.S. Patent and Trademark Office as a substitute Declaration under 37 CFR 1.47(b).

I hereby declare that all statements made in this declaration of my own knowledge are true, and that all statements made on information or belief are believed to be true; and further, all these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issued from the application.


Andreas W. Sperlich

13 June 2006
(Date)